

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

RAYMOND R. GADREAU,)
Plaintiff,)
v.)
JUDGE ROBERT BENT, JENNIFER)
BARRETT, PHIL DANIELSON,)
WALTER SMITH, RICHARD)
BERLANDY, and DEBRA MUNSON,)
Defendants.)

Case No. 2:20-cv-83

ORDER OF DISMISSAL

A review of the docket in this case reveals the following:

1. On June 1, 2020, pro se Plaintiff Raymond R. Gadreault filed an application to proceed *in forma pauperis* (“IFP”). (Doc. 1.)
2. On July 14, 2020, Magistrate Judge Conroy issued an Order and Report and Recommendation (“R & R”) granting Plaintiff’s IFP application and recommending Plaintiff’s Complaint be dismissed with leave to amend. (Doc. 3.)
3. On August 4, 2020, the Court adopted the July 14 R & R, dismissed Plaintiff’s Complaint (Doc. 4), and granted Plaintiff leave to amend within thirty days. (Doc. 6.)
4. On August 28, 2020, Plaintiff filed an Amended Complaint. (Doc. 7.)
5. On February 16, 2021, the Court dismissed the Amended Complaint for failure to state a claim and allowed Plaintiff to file a motion for leave to file a Second Amended Complaint. (Doc. 8.)
6. On March 9, 2021, Plaintiff timely filed a motion for leave to file a Second Amended Complaint (Doc. 9) and, on March 29, 2021, he filed a motion to add an additional defendant (Doc. 11).
7. On March 3, 2022, Magistrate Judge Doyle issued an R & R recommending the denial of Plaintiff’s motions. (Doc. 12.)
8. On March 14, 2022, the Court received a Vermont Certificate of Death as to Raymond Richard Gadreault. (Doc. 13.)
9. On March 29, 2022, the Court adopted the March 14 R & R and denied Plaintiff’s motion for leave and to add a defendant. The Court further ordered that if no

motion for substitution was filed within ninety days, the case must be dismissed. (Doc. 14.)

10. To date, the Court has not received a motion for substitution.

Because no motion for substitution has been filed, and more than ninety days have passed since the Court's March 29, 2022 Order, this case must be dismissed under Federal Rule of Civil Procedure 25(a)(1). Rule 25(a)(1) provides “[a] motion for substitution may be made by any party or by the decedent's successor or representative. If a motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Accordingly, this case is DISMISSED and the Office of the Clerk of Court may now enter final judgment.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 12th day of July 2022.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge